IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

Case No. 01-709 DWF/SRN

DEFENDANT'S NOTICE OF MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)

ORAL ARGUMENT REQUESTED

TO: Plaintiffs above-named, by and through their attorney of record, Robert J. Hajek, Esq., Warchol, Berndt & Hajek, 3433 Broadway Street, N.E., Suite 110, Minneapolis, MN 55413-1738:

PLEASE TAKE NOTICE that Defendant Starkey Laboratories, Inc. through its undersigned counsel will bring the motion contained herein for hearing before the United States District Court, the Honorable Donovan W. Frank on July 23, 2004 at 9:00 a.m. at Courtroom 2, 7th Floor of the Warren E. Burger Federal Building, 316 North Robert Street, St. Paul, Minnesota, pursuant to United States District Court Rule 7.1(b)(2) and Federal Rule of Civil Procedure 12(b)(6).

HALLELAND LEWIS NILAN SIPKINS & JOHNSON, P.A.

Dated: June 1, 2004.

By: s/Janice M. Symchych
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